

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CARINA VENTURES LLC,

Plaintiff,

V.

AGRI STATS, INC.; EXPRESS
MARKETS INC.; BUTTERBALL LLC;
CARGILL INC.; CARGILL PROTEIN
– NORTH AMERICA f/k/a CARGILL
MEAT SOLUTIONS CORPORATION;
COOPER FARMS, INC.; FARBEST
FOODS, INC.; FOSTER FARMS, LLC;
FOSTER POULTRY FARMS LLC;
HORMEL FOODS CORPORATION;
JENNIE-O TURKEY STORE, INC.;
HOUSE OF RAEFORD FARMS, INC.;
PERDUE FARMS, INC.; PERDUE
FOODS LLC; PRESTAGE FARMS,
INC.; PRESTAGE FOODS, INC.;
PRESTAGE FARMS OF SOUTH
CAROLINA, LLC; TYSON FOODS,
INC.; TYSON FRESH MEATS INC.;
TYSON PREPARED FOODS, INC.;
AND THE HILLSHIRE BRANDS
COMPANY,

Defendants.

CIVIL ACTION NO. 4:23-cv-02685

**JOINT MOTION TO CONTINUE
INITIAL PRETRIAL AND SCHEDULING CONFERENCE**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Plaintiff Carina Ventures LLC (“Plaintiff”) and Defendants Agri Stats, Inc.; Express Markets, Inc.; Butterball LLC; Cargill Incorporated; Cargill Meat Solutions Corporation; Cooper Farms, Inc.; Farbest Foods, Inc.; Foster Farms, LLC; Foster Poultry Farms LLC;

Hormel Foods Corporation; Jennie-O Turkey Store, Inc.; House of Raeford Farms, Inc.; Perdue Farms, Inc.; Perdue Foods LLC; Prestage Farms, Inc.; Prestage Foods, Inc.; Prestage Farms of South Carolina, LLC; Tyson Foods, Inc.; Tyson Fresh Meats Inc.; Tyson Prepared Foods, Inc.; and the Hillshire Brands Company (collectively, “Defendants”) file this joint motion for continuance of initial pretrial and scheduling conference, and for support state as follows:

1. Plaintiff filed its Complaint on July 21, 2023. Dkt. 1.
2. On July 25, 2023, the Court issued its Order for Conference and Disclosure of Interested Parties, setting an initial pretrial and scheduling conference before Magistrate Judge Andrew M. Edison for November 29, 2023. Dkt. 10.
3. On August 11, 2023, the parties filed a joint stipulation and agreement requesting that the Court issue a briefing schedule for Defendants’ anticipated motion to transfer this action to the United States District Court for the Northern District of Illinois. Dkt. 21. The Court approved the parties’ proposed briefing schedule on August 11, 2023. Dkt. 27. Pursuant to the briefing schedule, Defendants’ deadline to answer or otherwise respond in this matter is not until thirty (30) days after the Court has issued its decision on Defendants’ motion to transfer venue. Dkt. 27
4. Defendants motion to transfer was timely filed and is now fully briefed and awaiting the Court’s disposition. Dkt. 64, 103, 104.
5. On October 11, 2023, Plaintiff filed a request for pre-motion conference regarding its anticipated motion for leave to amend its complaint. Dkt. 105.

6. On October 25, 2023, the Court set a motion hearing for November 30, 2023 on Plaintiff's request for a pre-motion conference regarding its motion to amend its complaint, Defendants' motion to transfer venue, and to discuss all other pending issues before the Court. Dkt. 108.

7. To ensure the most orderly disposition of this matter and the most efficient use of the resources of both the parties and the Court, Plaintiff and Defendants mutually request that the Court continue the initial pretrial and scheduling conference and reset it for a date after the November 30, 2023 motion hearing.

PRAYER

For the reasons stated, Plaintiff and Defendants respectfully request that the Court continue the initial pretrial and scheduling conference in this matter and reset it for a date after the November 30, 2023 motion hearing.

Respectfully Submitted,

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***Counsel for Tyson Foods, Inc., Tyson
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CERTIFICATE OF SERVICE

I certify that on November 22, 2023, a true and correct copy of the foregoing was served on all counsel of record via email and /or the Court's CM/ECF system.

/s/ D. Alexander Harrell

D. Alexander Harrell